IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4359 of 2007(H)

CRIME NO. 106/07 OF MANJESWAR POLICE STATION

PETITIONER/ACCUSED:

HARIF, S/O. SEEDI (LATE)
"CHURCH BEACH ROAD", KOPPALA, MANJESHWAR.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY INSPECTOR OF POLICE, MANJESHWAR POLICE STATION, REP. BY THE PUBLIC PROSECUTOR,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4359 of 2007

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Dated this the 18th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under section 353 I.P.C. The allegation is in respect of an incident which took place inside the police station. Crime has been registered. Investigation has already been completed. The petitioner had come to this Court apprehending imminent arrest by the police.

2. The learned Prosecutor submits that the police do not want to arrest the petitioner now, final report having already been filed before the Magistrate. The petitioner can appear before the learned Magistrate and seek regular bail in the ordinary course, submits the learned Prosecutor.

3. I am satisfied that there is merit in the opposition by the learned Prosecutor. The petitioner must appear before the learned Magistrate and then seek regular bail in the ordinary course, the final report having already been filed.

4. This application is hence dismissed. Needless to say, if the petitioner surrenders before the Investigating Officer or the learned Magistrate having jurisdiction and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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